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S E C R E T TUNIS 000139

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STATE FOR NEA/MAG - HOPKINS, HARRIS AND S/WCI - MORRISON,
MUBANGU

E.O. 12958: DECL: 01/29/2017

TAGS: [PTER](#) [PINR](#) [KAWC](#) [TS](#)

SUBJECT: GOT ASSURANCES ON TRANSFER OF GUANTANAMO DETAINEES

REF: A. STATE 10683

¶B. 06 TUNIS 2814

Classified By: AMBASSADOR ROBERT F. GODEC FOR REASONS
1.4 (b) AND (d)

¶1. (S/NF) On January 30, Ambassador raised GOT assurances related to the transfer of Tunisian detainees at Guantanamo with MFA Secretary of State for the Americas and Asia Saida Chtioui. Ambassador thanked Chtioui for the MFA diplomatic note of January 11 and requested additional clarification regarding the following specific assurances (as requested in Ref A):

-- Treatment: Ambassador asked if the detainees would be treated in accordance with Tunisia's law and international obligations. Chtioui responded "Obviously."

-- ICRC Access: Ambassador asked Chtioui if the ICRC would have access to the transferred detainees. Chtioui said "Yes." Ambassador mentioned the January 11 MFA dipnote said that only families and lawyers would have access. Chtioui noted the GOT's agreement with the ICRC regarding visiting detainees and said "You can count on (ICRC access)." (NOTE: On January 25, ICRC Protection Coordinator Marc Bouvier told PolEconCouns that the ICRC has continued access to Tunisian prisons. END NOTE.)

-- Lufti Bin Swei Lagha: Ambassador asked if detainee Lagha had been convicted and sentenced in Tunisia. Chtioui said she did not know and would try to check.

-- In Absentia Death Sentences: Ambassador asked if any of the twelve Tunisian detainees at Guantanamo had been sentenced to death in absentia. Chtioui said that she did not know, but noted that, since 1989, "The death penalty effectively does not exist in Tunisia."

-- GOT POC: Ambassador asked who would act as the GOT point of contact for the transfer of detainees. Chtioui said that she would have to ask the Minister of Interior Rafik Belhaj Kacem and Minister of Justice Bechir Tekkari.

¶2. (S/NF) Ambassador noted that before proceeding with the transfer the USG would like to obtain confirmation of the assurances discussed in the form of a diplomatic note or other written response, if possible. Chtioui said she would ask the Minister of Interior and would inform us when she had further details.

¶3. (S/NF) COMMENT: While Chtioui's responses reinforced the

assurances the S/WCI delegation received from Minister of Justice Tekkari in November, her closing comment that she would consult with the Minister of Interior Belhaj Kacem on next steps is not so reassuring. As reported in Ref B, Belhaj Kacem rejected the suggestion that the GOT should provide any written assurances regarding the proposed transfer. Post will continue to follow up with Chtioui and report any further comment and/or response when available.

END COMMENT.

GODEC